



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

**CASE SUMMARY
September 23, 2019**

CASE NUMBER: #SUP 19-02

REQUEST: Special Use Permit for a Place of Worship

LOCATION: 2140 McGee Road, Building D, Snellville

TAX PARCEL: 5007 014

PRESENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

FUTURE LAND USE PLAN: Health Village

DEVELOPMENT/PROJECT: Place of Worship

PROPERTY OWNER: Mokhberi Investments, Inc.
Atlanta, Georgia 30328

APPLICANT: Love & Faith Ministries
Snellville, Georgia 30078

CONTACT: Christopher Boatman, Pastor
404-483-5439 or christopherboatman15@gmail.com

RECOMMENDATION: Approval with Conditions



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

**CASE ANALYSIS
September 23, 2019**

TO: The Mayor and Council

PUBLIC HEARING DATE: September 23, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #SUP 19-02

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Love & Faith Ministries, represented by Pastor Christopher Boatman, requesting a Special Use Permit to establish and operate a Place of Worship in Building D of the Fountain Square Business Center, 2140 McGee Road, Snellville.

A Special Use Permit is required for any Place-of-Worship located within the BG (General Business) zoning district per Section 9.10(4) of Article IX of the City of Snellville Zoning Ordinance.

The applicant is also requesting a variance from the special use requirement that all Place of Worship facilities and buildings front on a public street for a distance of at least 250-feet.

BACKGROUND:

The ±9.0 acre property is located on the northeast corner of the McGee Road and U.S. Highway 78 (Main Street West) in the western portion of the city and was part of the ±17.5 acre

Fountain Square Shopping Center until 1996 when the ±9.0 acre tract was sold by the Dayton Hudson Corporation to members of the current ownership group and later redeveloped as the Fountain Square Business Center, containing approximately 84,000 sq. ft. of mixed-office space in a single story concrete block and stucco building built in 1983, as well as associated parking. Two entrances serve the business center and shopping center, one from McGee Road and the other from Main Street West.

Currently there are 75 businesses with active 2019 Business Licenses that are operating from the Business Center, with approximately 45% of these being internet auto brokers and used car dealers.

Love & Faith Ministries, a non-denomination and multi-cultural ministry, desires to establish and operate a place of worship in the ±15,000 sq. ft. Building D of the business center with about 150 members attending worship services regularly with a 500 person maximum occupant load.

To the south and southwest are a few smaller commercial properties with a variety of businesses, zoned BG and BN (Neighborhood Business). To the north are three parcels zoned OP (Office Professional) that contain a few medical and medical office uses, including Alzheimer care and kidney dialysis. To the east is an office condo complex, zoned BG.

Across from the McGee Road entrance to the west is a parcel zoned RS-180 that contains South Gwinnett Park, a county-maintained park with ball fields and other accessory uses.

On 9-25-2006 the Mayor and Council approved a Conditional Use Permit to Everlasting Covenant Ministries to establish and operate a Church/House of Worship in Building D of the business center. The Church continued to operate until relocation out of the City at the end of 2014.

In 2018, the Mayor and Council approved a Zoning Ordinance amendment (Ordinance No. ZOA 17-04) to establish definitions, minimum use and parking requirements and requiring Special Use Permit approval, instead of Conditional Use permit approval for places of worship.

REQUEST:

The applicant is requesting a Special Use Permit to establish and operate a Place of Worship in the ±15,000 sq. ft. Building D of the Fountain Square Business Center. As part of the application submittal, the applicant is requesting a variance from the 250 feet minimum road frontage requirement of the Zoning Ordinance.

The applicant also intends to provide adult day care services for seniors and individuals with Alzheimer's and dementia during non-worship assembly periods.

SPECIAL USE PERMIT CRITERIA:

SPECIAL USES: The following use may be permitted upon findings of the Mayor and Council and issuance of a Special Use Permit that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.

a. Place of worship, provided:

- 1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.*
- 2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.*
- 3. Parking is not to be located within the twenty-five (25) foot front yard setback area.*
- 4. If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.*

The 2018 text amendment also included amendment to Section 11.3, Minimum and Maximum Off-Street Parking and Loading Requirements of Article XI of the Zoning Ordinance requiring:

Use	Parking Requirements	Loading Requirements
Places of Worship	One (1) space for each four (4) seats in main auditorium minimum; or where there are no fixed seats, one (1) space per 200 sq. ft. gross floor area minimum; whichever is greater.	None

STAFF & VARIANCE ANALYSIS:

Analysis of each of the four criteria for a Special Use Permit for Places of Worship is provided as follows:

1. *Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.*

The Fountain Square Business Center tract is ± 9.0 acres which includes the $\pm 84,000$ sq. ft. building and 450 total onsite parking spaces. Other than the 15,000 sq. ft. Building D tenant space, there is no recreational or other space. Parking analysis is provided below.

2. *All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.*

The original Fountain Square Shopping Center, inclusive of the business center was developed in 1983, with three outparcels fronting U.S. Highway 78 (Main Street West).



Because of these outparcels, the actual frontage of the subject property is ± 135 feet and serves as one of the main drives for the property as shown in the parcel map to the right.

The applicant's variance request from the 250 feet frontage requirement is reasonable given the location of the subject property and its setback from the adjacent commercial parcels that front U.S. Highway 78 (Main Street West) and McGee Road. The Planning Department recommends approval of this variance.

3. *Parking is not to be located within the twenty-five (25) foot front yard setback area.*

There is no parking within the 25 foot front yard setback area.

4. *If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.*

The property is not adjacent to residentially zoned property; therefore, there is no buffer requirement.

Given the history of the property and the amount of available parking on site the church should not cause any parking issues. The parking of the Business Center, including those reserved for car sales and rentals are rarely fully utilized. Furthermore, most of the Fountain Square Business Center vehicles peak during the work week and would not interfere with the parking demand that the church might generate at maximum attendance. Therefore, the Department of Planning and Development recommends approval of the variance for the deficit of 34 parking spaces.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the Special Use Permit to operate a place of worship by Love & Faith Ministries in Building D of the Fountain Square Business Center subject to the following recommended **Conditions**:

1. In the event that the subject tenant space is not leased/occupied by Love & Faith Ministries within sixty (60) days from the date of Mayor and Council approval, or if the tenant space is occupied and later vacated by Love & Faith Ministries, the Special Use Permit will immediately become null and void;
2. Love & Faith Ministries shall obtain an Occupational Tax License from the City of Snellville Department of Planning and Development and meet all licensing requirements including obtaining a Certificate of Occupancy from the Gwinnett County Fire Marshal's Office prior to use or occupancy of any portion of the tenant space;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited; and
4. New signs higher than 15 feet and larger than 225 sq. ft. are prohibited.

In conjunction with the Special Use Permit approval, the following variances (1-2) are recommended for **Approval**:

1. Variance from Section 9.10(4)(a)(2) of Article IX of the Zoning Ordinance to reduce the property's 250 feet minimum road frontage requirement to ± 135 feet.
2. Variance from Section 11.3 of Article XI of the Zoning Ordinance to reduce the minimum parking space requirement for Places of Worship from one space per 200 sq. ft. gross floor area minimum parking requirement ($15,000 \text{ sq. ft.} / 200 = 75 \text{ min. parking spaces}$) to one space per 366 sq. ft. gross floor area ($15,000 \text{ sq. ft.} / 366 = 41 \text{ min. parking spaces}$). A variance reduction of 34 parking spaces.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public meeting on the subject application at the August 27, 2019 Regular Meeting of the City of Snellville Planning Commission. By a unanimous vote of 6-0, the Planning Commission recommends **Approval** of the request by Love & Faith Ministries for a Special Use Permit for a Place-of-Worship with the following recommended **Conditions**:

1. In the event that the subject tenant space is not leased/occupied by Love & Faith Ministries within sixty (60) days from the date of Mayor and Council approval, or if the tenant space is occupied and later vacated by Love & Faith Ministries, the Special Use Permit will immediately become null and void;
2. Love & Faith Ministries shall obtain an Occupational Tax License from the City of Snellville Department of Planning and Development and meet all licensing requirements including obtaining a Certificate of Occupancy from the Gwinnett County Fire Marshal's Office prior to use or occupancy of any portion of the tenant space;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited; and
4. New signs higher than 15 feet and larger than 225 sq. ft. are prohibited.

In conjunction with the Special Use Permit approval, the following two variances are recommended for **Approval**:

1. Variance from Section 9.10(4)(a)(2) of Article IX of the Zoning Ordinance to reduce the property's 250 feet minimum road frontage requirement to ± 135 feet.
2. Variance from Section 11.3 of Article XI of the Zoning Ordinance to reduce the minimum parking space requirement for Places of Worship from one space per 200 sq. ft. gross floor area minimum parking requirement ($15,000 \text{ sq. ft.} / 200 = 75 \text{ min. parking spaces}$) to one space per 366 sq. ft. gross floor area ($15,000 \text{ sq. ft.} / 366 = 41 \text{ min. parking spaces}$). A variance reduction of 34 parking spaces.